

[श्री शिव चन्द्र झा]

सदन का और इस सरकार का ध्यान एक गम्भीर विषय की ओर खींचना चाहता हूँ। वह विषय है कि जों हमारे राष्ट्रीय आंदोलन के महान नेता थे जिनसे हमारा बहुत सहयोग था जिनके नेतृत्व में हम लोगों ने काम किया, देश ने काम किया और देश आजाद हुआ।

हमारी आंखों के सामने अभी भी उन की तनदुरुस्ती खराब है और पाकिस्तानी जेल में अभी तक सड़ रहे हैं—खान अब्दुल गफ्फार खां, बादशाह खां। मैंने पहले भी यह बात उठाई थी और मेरे उठाने पर सरकार जगी और प्रधान मंत्री जगो। प्रधान मंत्री ने भी वक्तव्य देना शुरू किया। यह बात अखबार में आई थी। लेकिन मैं जानना चाहता हूँ कि बात उतने तक रह गयी या पाकिस्तान सरकार से इस सरकार ने कोई कन्टेक्ट किया भी है कि उन के स्वास्थ्य लाभ के लिए उन को छोड़ दिया जाय और हिन्दुस्तान आने दिया जाय ताकि भारत जो उन की सेवा कर सकता है वह कर सके? मैं जानना चाहता हूँ खासकर प्रधान मंत्री से कि कितनी बार उन्होंने कन्टेक्ट किया है और क्या रेस्पांस पाकिस्तान सरकार का हुआ है? उपसभापति जी, बादशाह खां दिमागी तौर पर अभी भी वहाँ के लोगों का नेतृत्व कर रहे हैं और करने लायक भी हैं, बल्कि वहाँ भी नेतृत्व करने लायक हैं और हम लोग चाहेंगे कि जिस काम को गंधी जी ने छोड़ा और लोकनायक ने भागे बढ़ाया यहां आ कर उस को वह बलाएं। दिमागी तौर पर अभी वह ठीक हैं। उन्होंने हाल में कहा कि पाकिस्तान अमेरिका की डिकटेट के मुताबिक काम करता है। इसलिए मैं प्रधानमंत्री से आग्रह करना चाहता हूँ कि वह बतायें कि कितनी बार उन्होंने

कन्टेक्ट किया है, बल्कि अच्छा तो यह हो कि यह सरकार हर महीने एक हेल्थ बुलेटिन उन की हेल्थ के मुताबिक निकाले और सदन को बताये।

REFERENCE TO THE REPORTED SUGGESTION OF THE CENTRAL GOVERNMENT TO THE MAHARASHTRA STATE GOVERNMENT FOR AMENDMENTS IN THE PREVENTION OF CORRUPTION ACT

SHRI LAL K. ADVANI (Madhya Pradesh): Mr. Deputy Chairman, I am extremely grateful to you for permitting me to raise this very important issue.

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra): Sir...

MR. DEPUTY CHAIRMAN: I have allowed him. I cannot allow every one.

SHRI SHRIDHAR WASUDEO DHABE: In the previous case you have allowed. Two more members spoke.

SHRI LAL K. ADVANI: Democrats all over the country have been shocked to read this morning's news which has appeared on the front page in the "Times of India". The substance is that the Centre has directed the Chief Minister of Maharashtra to amend the Anti-Corruption Act. The proposed amendment is to annul the recent unanimous judgment of the Supreme Court which held that a legislator was not a public servant under the Act.

Sir, in recent weeks we have seen very contrasting, varying and contradictory reactions and responses of the Central Government to two judgments of the Supreme Court. One judgement of the Supreme Court related to the electronic machines. The Election Commission wanted that the Government should amend the Act

All parties in Parliament wanted that the Government should amend the Act whereas the Government held: "No, the judgment is sound and we are not going to amend the Act". Now in this second case the Supreme Court has held that under the law M.L.A. is not a public servant, an M.P. is not a public servant. So an M.L.A. or M.P. is not entitled to the safeguard that permission is to be sought from the legislature. This is a very unexceptionable judgment. After all we Members of Parliament, the legislators, do not seek any special privileges against the ordinary citizens in so far as corruption is concerned. We have our privileges under the Constitution such as that we are free to speak here without fear, so that we are able to perform our duties. I would like to know what exactly is the Government's position.

Sir, if it had been a party advice, it would be one thing. But in this case, the report says—and I read it—"The decision, clearly intended to take Mr. A. R. Antulay off the hook, was conveyed to Mr. Patil on Saturday morning. The Union Finance Minister, Mr. Pranab Mukherjee, the defence Minister, Mr. R. Venkataraman, the Home Minister, Mr. P. C. Sethi, and the attorney general were present on the occasion". What is particularly important is that the Attorney General was present on the occasion. Virtually it is the Political Affairs Committee of the Government. The presence of the Attorney General makes it kind of Central Government directive. The word used by the newspaper, "the Times of India", is that he has been "ordered" to do it. This particularly surprises because only yesterday, Sunday morning there was a report in the "Times of India" itself in which Prime Minister was reported to have reacted very sharply when a Maharashtra M.L.A., Mr. Ram Pindalge, said that something should be done to save the former Chief Minister.

Mrs. Gandhi is said to have commented, "Ask him to hold his tongue". This was a sharp reaction. According

to this report, Mrs. Gandhi further stated that since the matter was in a court of law, she could do little about it. Now my objection to any such directive is: (1) Government cannot issue a directive to a Chief Minister. The Chief Minister is opposed to it. He has said it publicly.

SHRI KALYAN ROY (West Bengal): Has he denied it?

SHRI LAL K. ADVANI: He has not denied it. My objection is: (1) There can be no such directive from the Centre to a Chief Minister. (2) If any amendment of this kind is made, it would be conferring legitimacy on corruption. (3) It would be short-circuiting a judicial process. In this case, everyone knows that a Judge of the Bombay High Court held Mr. Antulay as *prime facie* guilty. And then subsequently the law has gone into action. Many attempts made by him to thwart the legal process of the Judiciary came to an end when the Supreme court decided some time back that a legislator under this Act is not a public servant and, therefore, it ordered the Bombay High Court to proceed under the law against him. Now when the process is about to start or has started already, this attempt to short-circuit a judicial process should not be done. I strongly protest against it. (*Interruptions*).

MR. DEPUTY CHAIRMAN: He has made the point. I cannot allow everybody.

SHRI A. G. KULKARNI (Maharashtra): On Mr. Kalraj Mishra's Special mention, you allowed Mr. Yadav, Mr. Rameshwar Singh and Mr. Jha to speak. Now you are not allowing us. It is a matter of public importance. Sir, Antulay's case is not an isolated one. (*Interruptions*)

SHRI BUDDHA PRIYA MAURYA (Andhra Pradesh): Point of order.

MR. DEPUTY CHAIRMAN: I will hear his point of order.

SHRI A. G. KULKARNI: Ours is also a point of order. (*Interruptions*)

MR. DEPUTY CHAIRMAN: Let me hear him. (Interruptions) Already that point has been raised.

SHRI SHRIDHAR WASUDEO DHABE: Sir, you have allowed in the case of the previous one a Special Mention by Shri Ramanand Yadav, which is very unusual. You cannot run the House like this.

श्री बुद्ध प्रिय मौर्य : माननीय उप-सभापति जी, मुझे अफसोस भी है और परेशानी भी कि माननीय आडवाणी जी ने जो इस सदन के बहुत ही तजुर्बेकार सदस्य हैं, उन्होंने इस सदन का दुरुपयोग करना करना चाहा है।

AN HON. MEMBER: It is with the permission of the Chairman, not misuse.

श्री बुद्ध प्रिय मौर्य : काश कि वह सुप्रीम कोर्ट के जजमेंट को पढ़ लेते। वह अखबार की निराधार खबर पर न जाते। अखबार में जो बात छपी है वह निराधार है।

SHRI KALYAN ROY: He can deny it or confirm it. Let him deny. (Interruptions)

श्री लक्ष्मी नारायण (दिल्ली) : डिप्टी चेयरमैन साहब आप को ऐकशन लेना चाहिए उन के खिलाफ।

श्री उपसभापति : आप बैठिए। क्यों गुस्सा हो रहे हैं। आप बैठिये।

श्री बुद्ध प्रिय मौर्य : जहां तक सुप्रीम कोर्ट के फैसले का सवाल है, सुप्रीम कोर्ट ने खुद आब्जर्व किया है कि यदि लेजिस्लेचर चाहे तो वह एक व्यवस्था कर सकती है, जैसे कि उन्होंने दूसरे कानूनों में कर रखी है, जैसे कस्टम्स में और दूसरे कानूनों में है कि कोई भी यदि भ्रष्टाचार करे लेजिस्लेचर, तो उस की प्रासीक्यूट करने का अधिकार सरकार को होना चाहिए। सुप्रीम कोर्ट ने खुद आब्जर्व किया है। तो मैं यह

निवेदित करना चाहता हूँ कि जहां तक भ्रष्टाचार का प्रश्न है।

THE LEADER OF THE HOUSE (SHRI PRANAB KUMAR MUKHERJEE): Sir, we cannot have a discussion on it.

SHRI SHIVA CHANDRA JHA (Bihar): My point of order.

(SHRI PRANAB KUMAR MUKHERJEE: No point of order, Mr. Jha. Listen. We cannot allow to have a new type of practice that on a special mention. Members would take part and it would convert into a whole discussion. If you want to have it... (Interruptions) Please listen to me. You cannot simply browbeat us in this manner and do whatever you would like, you would depart from the procedure, you would change the rules. And I cannot understand, Sir, why it has been permitted. If ten members seek permission to raise the same subject, it is for the Chair to decide whether he will permit 10 Members or 11 Members or 12 Members. But at every stage to suit the convenience of some members if we find that rules, practices and everything are to be thrown to the wind. I am afraid, it will be very difficult to conduct the business of the House. (Interruptions)

SHRI KALYAN ROY: That is what you are doing in the Bengal Assembly.

SHRI PRANAB KUMAR MUKHERJEE: What has happened in the Bengal Assembly, you should be ashamed of. (Interruptions)

As my name has been mentioned to say that I have given some instructions, firstly, I have serious objection that Mr. Advani, however important he may be, he cannot utilise the floor of this House to browbeat the Maharashtra Assembly. If they decide that they will have a certain type of legislation within the legislative competence of that House, Mr. Advani or anybody in this House

has no right to pass their observation on that. This is one aspect.

DR. BHAI MAHAVIR ((Madhya Pradesh): You have the right!

SHRI PRANAB KUMAR MUKHERJEE: Neither I have the right.

Not only that. Mr. Advani has gone to the extent of giving advice to the Government of India on the type of attitude and approach they will take to various judgements of the Supreme Court. I can thank him for the advice, but at the same time on behalf of Government I am rejecting his advice.

SHRI LAL K. ADVANI: Very good. I am not surprised.

SHRI PRANAB KUMAR MUKHERJEE: The second point is, what transpired between me and my colleagues who may be Chief Ministers or other Ministers, is none of the business of Mr. Advani or anybody else in this House.

MR. DEPUTY CHAIRMAN: Now the point is over. We go to the next item.

SHRI LAL K. ADVANI: One a point of personal explanation. I am really very sorry that the Leader of the House should have used words like my trying to browbeat the Assembly. I would request you, Sir, to examine my speech, and you will find that my entire thrust, if at all the report is correct, is against the Government, against the Central Government, not against the Assembly, not against the Chief Minister who, I am aware is opposed to any such thing. Therefore, my point is that he should withdraw the statement. Sir, bear with me for one moment. (Interruptions)

MR. DEPUTY CHAIRMAN: Please take your seat.

I STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE INDUSTRIES (DEVELOPMENT AND REGULATION) AMENDMENT ORDINANCE, 1984—Contd.

II THE INDUSTRIES (DEVELOPMENT AND REGULATION) AMENDMENT BILL, 1984—Contd.

MR. DEPUTY CHAIRMAN: Now we shall take up further discussion on the Resolution disapproving the Industrial (Development and Regulation) Amendment Ordinance, 1984 and the Bill further to amend the Industries (Development and Regulation) Act, 1951.

The Minister to reply.

SHRI A. G. KULKARNI (Maharashtra): Sir,...

MR. DEPUTY CHAIRMAN: No, the matter is over. (Interruptions)

SHRI A. G. KULKARNI: We stage a walk-out in protest. (Interruptions)

(At this stage, some hon. Members left the chamber)

SHRI LAL K. ADVANI (Madhya Pradesh): Mr. Deputy Chairman, Sir, if you allow a Calling Attention on this...

MR. DEPUTY CHAIRMAN: You give notice. We shall consider.

SHRI LAL K. ADVANI: You will consider this?

MR. DEPUTY CHAIRMAN: If you give notice, I will consider it.

SHRI LAL K. ADVANI: You can decide right now.

MR. DEPUTY CHAIRMAN: I cannot decide just now. If you give notice, I will consider it. That is all.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI PATTABHI RAMA RAO): Mr Deputy Chairman Sir, the purpose behind the introduction of the Bill has already been explained by me